

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 69384

Robert Basarab
Mariosa A. Basarab

711 Overbrook Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on November 24, 2009, for a Hearing on a citation for violations of the Baltimore County Zoning Regulations (BCZR) section 408B, failure to cease illegal rooming/boarding house on residential property zoned DR 5.5 known as 711 Overbrook Road, 21212.

On November 8, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Jeff Radcliffe issued a Code Enforcement citation. The citation was sent to the Respondents by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$9,600.00 (nine thousand six hundred dollars).

The Respondents failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on October 8, 2009 for removal of trash and debris, cease illegal rooming/boarding house, repair or replace side fence. This Citation was issued on November 8, 2009. On November 9, 2009, a letter was sent to Respondents notifying them that Baltimore County has received information alleging an illegal boarding or rooming house at the property, and requesting response to written Interrogatories.

B. Respondents did not appear for this Hearing and have not responded to the County's notices.

C. Notes in the file state that neighbors complained to Baltimore County beginning in early October that there were four male tenants in this house. Inspector Jeff Radcliffe visited the property and spoke with a tenant, Brian Morris. Mr. Morris stated that there are four young men living in the house and that the other tenants are Kevin Morris (Brian Morris' brother), Danny Quinn and David Fink. He told Inspector Radcliffe that Mr. Fink is not on the lease. Notes in the file state that there are usually at least four cars parked outside the house

D. Baltimore County's zoning regulations restrict the number of unrelated adults who can occupy a house for compensation. Because this is not the owner's domicile, the house can only be occupied by two unrelated adults absent a permit for a boarding or rooming-house. BCZR Section 101.1; Section 408B. Based on the evidence presented, an illegal boardinghouse with more than two tenants has been operating at this location since early October 2009. The Citation will therefore be enforced, and if the violation is not corrected Respondents will be subject to additional Citation with additional civil penalties.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$3,000.00 (three thousand dollars).

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 15th day of January 2010.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer